

On August 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5504. Adulteration of canned oysters. U. S. v. 60 Cases and 93 Cases of Canned Oysters. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 10717. Sample No. 11540-F.)

On September 10, 1943, the United States attorney for the Northern District of California filed a libel against 60 cases, each containing 49 cans, and 93 cases, each containing 24 cans, of oysters at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 26, 1943, by the Seacoast Packing Co., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance by reason of the presence therein of decomposed oysters. The article was labeled in part: (Cans) "Dunbar Delicious Oysters."

On September 27, 1943, Dunbar-Dukate Co., of New Orleans, La., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The product was sorted according to codes and the portion containing decomposed oysters was destroyed.

5505. Adulteration of canned rock lobster. U. S. v. 700 Cases of Canned Rock Lobster. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10246. Sample No. 42445-F.)

Examination showed that this article was underprocessed and in part decomposed.

On July 17, 1943, the United States attorney for the Western District of Washington filed a libel against 700 cases, each containing 48 cans, of rock lobster at Seattle, Wash., alleging that the article had been shipped from Miami, Fla., on or about February 24, 1943, by the Apte Brokerage Co.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Cuban Star * * * Natural Fancy Rock Lobster * * * Product of Cuba."

On September 17, 1943, Safeway Stores, Inc., a Maryland corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The swells, springers, and deteriorated cases were segregated and destroyed.

FRUITS AND VEGETABLES

CANNED FRUIT

5506. Adulteration of canned blackberries. U. S. v. 1,260 Cases, 1,500 Cases, and 861 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. Nos. 10121, 10429, 10430. Sample Nos. 3189-F, 19206-F, 20652-F.)

On June 22 and August 19, 1943, the United States attorneys for the District of Nebraska and the District of Massachusetts filed libels against 1,260 cases at Omaha, Nebr., and 1,500 cases and 861 cases at Lawrence and Fort Devens, Mass., respectively, each containing 6 cans of blackberries, alleging that the articles had been shipped on or about December 10, 1942, and January 23, 1943, by the Mt. Airy Canning Co. from Mt. Airy, N. C.; and charging that it was adulterated in that a portion consisted in whole or in part of decomposed substances, rotten and moldy berries, and in that the remainder consisted in whole or in part of a filthy and decomposed substance, larvae and insects and moldy berries. The article was labeled in part: (Cans) "Carolina Beauty Blackberries."

On July 12 and November 22, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5507. Misbranding of canned peaches. U. S. v. 327 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10268. Sample No. 11094-F.)

On July 15, 1943, the United States attorney for the Western District of Arkansas filed a libel against 327 cases, each containing 12 jars, of canned peaches at Fayetteville, Ark., alleging that the article, which had been consigned by Rey Chatfield, had been shipped in interstate commerce on or about June 11, 1943, from San Francisco, Calif.; and charging that it was misbranded. The article

was labeled in part: (Jars) "Dewkist Brand Fancy Tree Ripened Halves Yellow Freestone Peaches. Contents 1 Lb. 13 Oz. Packed by Washington Packers, Inc. Sumner, Washington."

The article was alleged to be misbranded in that the statement "Contents 1 Lb. 13 Oz." was false and misleading since the article was short weight; in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and in that the article purported to be and was represented as food for which a definition and standard of identity had been prescribed by regulations and its label failed to bear, as required by the regulations, the name of the optional packing medium present in such food, "Heavy Sirup."

On November 15, 1943, the Ozark Grocer Co., Fayetteville, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5508. Misbranding of canned peaches. U. S. v. 87 Cases of Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 10524. Sample No. 43112-F.)

On September 3, 1943, the United States attorney for the District of Oregon filed a libel against 87 cases, each containing 24 cans, of peaches at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about July 19, 1943, by the A. Magnano Co., from Seattle, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Valamont Brand Tree-Ripened Halves Yellow Freestone Elberta Peaches * * * Packed by National Fruit Canning Co., Seattle, Wash."

The article was alleged to be misbranded in that it purported to be and was represented as food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear, as the regulations require, the name of the optional packing medium present in such food, "Heavy Sirup."

On October 2, 1943, the National Fruit Canning Company, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under supervision of the Food and Drug Administration.

DRIED FRUIT

5509. Adulteration of dried black cherries. U. S. v. 125 Boxes and 500 Boxes of Dried Black Cherries, Unpitted. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 8673. Sample Nos. 18846-F, 18847-F.)

On November 4, 1942, the United States attorney for the Eastern District of New York filed a libel against 625 25-pound boxes of dried black cherries, unpitted, at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 15, 1942, by the Springbrook Packing Co., Springbrook, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed and filthy substance, decomposed cherries and rodent hairs, insects, insect fragments, and mites. The article was labeled in part: (Box) "Dried Black Cherries Unpitted West Coast Fruit Co. Portland Ore."

On October 30, 1943, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

5510. Adulteration of dried currants. U. S. v. 16 Cases of Dried Currants. Default decree of condemnation. Product ordered delivered to a public institution for use as animal feed. (F. D. C. No. 10374. Sample No. 34554-F.)

On or about August 11, 1943, the United States attorney for the Southern District of Florida filed a libel against 16 cases, each containing 72 packages, of dried currants at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce from Locans, Calif., by the Bonner Packing Co., on or about November 16, 1942; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence therein of weevils, larvae, and pupae. The article was labeled in part: (Package) "Dubon Brand Selected Washed and Cleaned Currants."

On September 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On September 24, 1943, the judgment was amended to provide for the delivery of the product to a public institution for use as animal feed.